

Article - Criminal Procedure

[\[Previous\]](#)[\[Next\]](#)

§6–223.

(a) A circuit court or the District Court may end the period of probation at any time.

(b) On receipt of written charges, filed under oath, that a probationer or defendant violated a condition of probation during the period of probation, the District Court may, during the period of probation or within 30 days after the violation, whichever is later, issue a warrant or notice requiring the probationer or defendant to be brought or appear before the judge issuing the warrant or notice:

(1) to answer the charge of violation of a condition of probation or of suspension of sentence; and

(2) to be present for the setting of a timely hearing date for that charge.

(c) Pending the hearing or determination of the charge, a circuit court or the District Court may remand the probationer or defendant to a correctional facility or release the probationer or defendant with or without bail.

(d) If, at the hearing, a circuit court or the District Court finds that the probationer or defendant has violated a condition of probation, the court may:

(1) revoke the probation granted or the suspension of sentence; and

(2) (i) subject to subsection (e) of this section, for a technical violation, impose a period of incarceration of:

1. not more than 15 days for a first technical violation;

2. not more than 30 days for a second technical violation; and

3. not more than 45 days for a third technical violation; and

(ii) for a fourth or subsequent technical violation or a violation that is not a technical violation, impose any sentence that might have originally been

imposed for the crime of which the probationer or defendant was convicted or pleaded nolo contendere.

(e) (1) There is a rebuttable presumption that the limits on the period of incarceration that may be imposed for a technical violation established under subsection (d)(2) of this section are applicable.

(2) The presumption may be rebutted if the court finds and states on the record, after consideration of the following factors, that adhering to the limits on the period of incarceration established under subsection (d)(2) of this section would create a risk to public safety, a victim, or a witness:

(i) the nature of the probation violation;

(ii) the facts and circumstances of the crime for which the probationer or defendant was convicted; and

(iii) the probationer's or defendant's history.

(3) On finding that adhering to the limits would create a risk to public safety, a victim, or a witness under paragraph (2) of this subsection, the court may:

(i) direct imposition of a longer period of incarceration than provided under subsection (d)(2) of this section, but no more than the time remaining on the original sentence; or

(ii) commit the probationer or defendant to the Maryland Department of Health for treatment under § 8–507 of the Health – General Article.

(4) A finding under paragraph (2) of this subsection or an action under paragraph (3) of this subsection is subject to appeal under Title 12, Subtitle 3 or Subtitle 4 of the Courts Article.

[\[Previous\]](#)[\[Next\]](#)